

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ANGELA SMITH,

Plaintiff,

v.

PENNSYLVANIA HIGHER
EDUCATION ASSISTANCE
AGENCY d/b/a FEDLOAN
SERVICING and UNITED
STATES DEPARTMENT OF
EDUCATION

Defendants.

Case No. 18-10162
Hon. Terrence G. Berg

**ORDER GRANTING DEFENDANT UNITED STATES
DEPARTMENT OF EDUCATION'S MOTION TO STAY**

Defendant United States Department of Education moved for a stay of this case on December 26, 2018. Congressional appropriations to the Department of Justice lapsed on December 21, 2018. Without an appropriation, in most cases, Department of Justice attorneys are prohibited from working.

The Court finds that a thirty-day stay is appropriate under these circumstances. However, the Court notes that there is also a reasoned basis for denying all such requests. *See In re Petition for a General Order Holding Civil Matters in Abeyance in which the*

United States is a Party Due to Lapse of Congressional Appropriations, 18-mc-00196 (S.D.W.V. Jan. 2, 2019) (ECF No. 3) (exempting cases before Judge Joseph R. Goodwin from a general order of the Southern District of West Virginia staying all civil matters in which the United States is a party); *United States v. Baltimore Police Dep't*, 1:17-cv-0099-JKB (D. Md. Dec. 26, 2018) (ECF No. 173) (denying the government's request for a continuance of all dates and deadlines until appropriations are restored). As Judge Goodwin wisely states: "the government should not be given special influence or accommodation in cases where such special considerations are unavailable to other litigants." *In re Petition for a General Order*, at 1.

After 30 days this stay will be lifted. If at that time the Executive and Legislative branches remain incapable of carrying out their Constitutional duty to promote the general welfare by authorizing the Government to pay the attorneys who represent it, the Court will entertain a motion for entry of default judgment for failure to defend this suit. Mismanagement has consequences.

WHEREFORE, this action is hereby **STAYED** for a period of 30 days. All dates in the Scheduling Order dated May 10, 2018 (ECF No. 55) will be extended for a period of 30 days.

SO ORDERED.

Dated: January 10,
2019

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically filed, and the parties and/or counsel of record were served on January 10, 2019.

s/A. Chubb
Case Manager